IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 20232 of 2001

Between:

I.Vidyasagar Rao, S/o Gopal Rao,
R/o Plot No.25, Kamalanagar, Venasthalipuram
Hyderabad.

..... PETITIONER

AND

1 State of Andhra Pradesh,

Rep. by its Principal Secretay,
Home Department,

Secretariat, Hyderabad.
2 The Station House Officer,
L.B.Nagar, R.R.District
3 D.S.Reddy, S/o Ramachandra Reddy
C/o Star Acqua Products Limited, No.36,

Santhoshnagar, Mehadipatnam, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order, Writ or direction more particularly one in the nature of Writ of Certiorari Quash the F.I.R. No. 535 dt: 15-9-2001 in Crime No. 535/2001 on the file of 2nd Respondent i.e., Station House Officer, P.S., L.B.Nagar, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner :Mr.VENUGOPALA RAO PASNOORU

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

M/s.Star Acqua Products Limited, represented by its Director D.S.Reddy (third respondent herein) lodged a complaint on the file of the Court of the Judicial Magistrate of First Class, East and North, Ranga Reddy District, under Sections 420 and 506 of the Indian Penal Code, 1860 (I.P.C), against the petitioner. The same was directed to be investigated by the learned Magistrate. The second respondent therefore, registered Crime No.535 of 2001, under Sections 420 and 506 of I.P.C and took up investigation. Apprehending the arrest in connection with the said crime, the petitioner filed the present writ petition for quashing the said crime.

In the affidavit accompanying the writ petition, the petitioner contends that the complaint filed by the third respondent is false and that he is not at all involved in any crime. It is further stated that he opened a workshop at Vanasthalipuram in the name and style of Sagar Electricals Engineering Works, for doing electrical winding, generator assembling, ACDC Transformers assembling, repairs and maintenance of electrical motors, submersible and open well submersible motors including winding. In 1999 when he visited various Districts, he was asked to repair Aerators, which is used for supplying oxygen to the Prawns in the Prawn Ponds. He repaired these aerators and thereafter, representatives of Kissan Industries, Coimbatore, requested the petitioner to repair the aerators supplied by them in Andhra Preadesh. Accordingly, he repaired the aerators supplied by Kissan Industries. As their products had good market, he also marketed their products by fixing the labels at his workshop. As he did not deposit the amount with M/s.Kissan Industries, they stopped supplying their aerators and that he has nothing to do with the products manufactured by the third respondent.

The contention of the petitioner stands belied by a reference to the complaint lodged by the third respondent. A reading of the same would disclose that the third respondent invented aerators, which are used in the Prawn Culture. When there were complaints of non functioning of these aerators, the Engineering Staff of the third respondent found that the aerators were pirated ones and supplied by the petitioner by cheating as if the aerators supplied by him are the ones manufactured by the third respondents. The allegations conditioned in the complaint *prima facie* disclose the commission of offence of cheating and the enquiry into the petition for quashing must stop there.

It is now well settled that ordinarily in exercise of power under Article 226, a criminal case or First Information Report cannot be quashed, unless and until, the investigation into a crime is not warranted or any investigation results in miscarriage of justice. Both these are absent in this case. The writ petition is misconceived.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

21.06.2005

vs

To

1 State of Andhra Pradesh,

Rep. by its Principal Secretay,
Home Department,

Secretariat, Hyderabad.

2 The Station House Officer,
L.B.Nagar, R.R.District

3 Two CCs to G.P.for Home,

High Court Buildings,

High Court of Andhra Pradesh,

Hyderabad.

4 Two CD copies